



AF/B

PATENT  
Customer No. 22,852  
Attorney Docket No. 5552.0953-04

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: )  
Mathias FIBI et al. ) Group Art Unit: 1642  
Application No.: 08/897,441 ) Examiner: K. Canella  
Filed: July 21, 1997 ) Confirmation No.: 4501  
For: *Erythropoietin (EPO) Peptides and* )  
*Antibodies Directed Against These* )

DEC 13 2004

TECH CENTER 1600/2990

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31**

Sir:

Applicant hereby appeals to the Board of Appeals from the Examiner's decision  
dated June 8, 2004.

The items checked below are appropriate:

1. ☒ A Petition for extension of time to respond to the final rejection was filed on December 6, 2004, extending the period for response to December 8, 2004.
2. ☐ A Petition for extension of time to further extend the period for response to [Date] is enclosed together with a fee of \$[Fee].
3. ☒ The Appeal Fee of \$340.00 (or \$170.00 if by small entity)  
☒ is enclosed or ☐ is to be charged to Deposit Account No. 06-0916
4. ☒ A check for \$340.00 to cover the above fee is enclosed.

Please grant any extensions of time required to enter this response and charge  
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 8, 2004

By: Carol P. Einaudi  
Carol P. Einaudi  
Reg. No. 32,220

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
Customer No. 22,852